IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 1123 OF 2004

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Mr. D.S. Mhaispurkar, A.P.P. for the respondents.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: 28TH JANUARY, 2005

P.C.:

1. Heard. Perused the affidavit in reply and the records. We are not satisfied with the reason given for rejection of the application for furlough. Hence the order of rejection is hereby quashed and set aside and the authorities are directed to reconsider the application in accordance with the provisions of law. Merely because the father of the petitioner has attained the age of 70 years, that by itself cannot be the justification for he be rejected the surety. In case there is apprehension of any danger to the neighbour of the petitioner on grant of furlough to him, certainly the authorities can impose conditions to restrain the petitioner from being in

the said locality but that itself also cannot be the justification for refusal to grant furlough. The authorities are, therefore, directed to reconsider the application in accordance with the provisions of law within a period of six weeks from today. The respondents to inform the petitioner about the order passed today. Petition accordingly disposed of with above direction.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)